

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 20 and 21 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 2, 4-6, and 9-21 are now pending in this application.

Interview Summary

Applicant wishes to thank the Examiner and the Examiner's supervisor for conducting the interview of December 17, 2008. In accordance with the requirement of the interview summary that a reply be provided regarding a statement of the substance of the interview, Applicant respectfully submits that not only was a feature regarding pins being guided by, or riding upon, the recited tracks discussed as overcoming the current rejection, but that language regarding the adjustable flap being guided by the tracks was also discussed. Furthermore, although the interview was a personal interview, no copy of the interview summary was provided to Applicant's representative at the interview, as indicated in the Interview Summary. Otherwise Applicant submits that the Interview Summary is accurate.

Rejection Under 35 U.S.C. § 102

Claims 1-2, 4-6, and 9-19 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent 5,228,475 to Trill (hereafter "Trill"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Here, Trill fails to disclose air guide housing comprising “two curved tracks arranged one above the other to guide the adjustable flap” as recited in claims 1 and 2. Claims 4-6 and 9-19 depend from claims 1 and 2.

The Office argues on pages 2-4 of the Office Action that Trill discloses an air guide housing 12 with an adjustable flap 28, an air inlet, an air outlet, and two curved tracks formed in space by the paths that items 38, 38' follow, as shown in Figure 3 of Trill. However, any paths formed by the motion of items 38, 38' in space are not physical objects that are arranged one above the other to guide the adjustable flap, as recited in claims 1 and 2. Thus, Trill does not anticipate claims 1-2, 4-6, and 9-19 because Trill does not disclose all of the features of claims 1 and 2.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under § 102.

New Claims

New claims 20 and 21 have been added. Claims 20 and 21 depend from claims 1 and 2, respectively, and are allowable over the prior art for at least the reasons discussed above and for their respective recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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